



# MONTHLY HIGHLIGHTS

NOAA  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
HABITAT CONSERVATION DIVISION

**FEBRUARY 2000**

**GLOUCESTER, MA OFFICE, ONE BLACKBURN DRIVE, GLOUCESTER, MA 01966**

## **KENDALL SQUARE POWER STATION REDEVELOPMENT**

Southern Energy Kendall, L.L.C. proposes to significantly upgrade a power station located on the lower Charles River basin in Cambridge, Massachusetts. The planned upgrades include increasing the cooling water withdrawals and heated effluent discharges to and from the river. The Charles River provides important spawning and juvenile feeding habitat for a variety of anadromous species, including American shad, rainbow smelt, alewives, blueback herring and catadromous American eels. NMFS staff provided comments on the Draft Environmental Impact Report (DEIR) and emphasized that the DEIR does not contain information adequate to assess impacts to the fishery resources in the river. Additional information to address these concerns is pending. **(Eric Hutchins, 978/281-9313)**

## **OXBOW REALTY TRUST DOCKS AND DREDGING**

The Oxbow Realty Trust proposes to dredge approximately one acre of shallow water habitat that provides productive habitat for shellfish and juvenile winter flounder and other finfish species in the Town of Barnstable, Massachusetts. The proposal also includes two large docks totaling over 300 feet in length that would be located over salt marsh vegetation. NMFS staff recommended to the state not to support permitting of the project and to recommend that the applicants pursue alternative options which would significantly minimize or altogether avoid impacts to this ecologically important area of marine habitat. The Massachusetts Executive Office of Environmental Affairs agreed with the NMFS recommendations and has required the applicant to provide an alternatives analysis within a formal Environmental Impact Report which precludes any permitting of the project. **(Eric Hutchins, 978/281-9313)**

## **JAMES J. HOWARD MARINE SCIENCES LABORATORY, HIGHLANDS, NJ 07732**

## **DELAWARE BASIN FISHERIES**

On February 2 Stan Gorski chaired the quarterly meeting of the Delaware Basin Fisheries Technical Committee held in West Trenton, New Jersey. A considerable number of issues were discussed, including New Jersey's upcoming shad monitoring program, coordination with the

Delaware Estuary Monitoring Program, the Salem Nuclear Generating Station, and the ACOE's study on the effects of hopper dredge overflow, or "economic loading." **(Stan Gorski, 732/-872-3037)**

#### **MID-ATLANTIC FEDERAL PARTNERS MEETING ON THE ENVIRONMENT**

On February 23, Stan Gorski traveled to Philadelphia, PA to attend this meeting sponsored by EPA Regions 2 and 3. A very wide assortment of Federal agencies attended and EPA presented a number of projects that already receive some degree of interagency participation with the hope of additional agency involvement. Some of the projects, such as the New York Harbor Restoration project, are under some review by NMFS, and probably do not need involvement through the Federal Partnership. Other projects, such as the strip mine restoration in West Virginia, has little, if any, effect on NMFS resources. **(Stan Gorski, 732/872-3037)**

#### **OENJ CHEROKEE CORPORATION**

The Assistant Secretary of the Army for Civil Works has decided that the permit to OENJ Cherokee Corporation for the construction of a ferry terminal and marina in Newark Bay in Elizabeth, New Jersey can be issued without requiring mitigation for the loss of 7.4 acres of valuable intertidal shallows. We are still waiting for the ACOE's response to our conservation recommendation that no dredging occur unless mitigation is provided. We have also provided information on the project from our files to the New York-New Jersey Harbor Baykeeper in response to their Freedom of Information Act request. **(Peter Colosi, 978/281-9332; Stan Gorski, 732/872-3037; or Karen Greene, 732/872-3023)**

#### **HACKENSACK MEADOWLANDS**

##### **SPECIAL AREA MANAGEMENT PLAN (SAMP)**

The SAMP Environmental Impact Statement (EIS) Subcommittee continues to meet on a weekly basis to complete the final EIS for the SAMP. Agency representatives reviewed the draft Section 404(b)(1) Guidelines analysis for the SAMP and for the ACOE's General Permits this month, as well as the Wildlife Management Plan for the District. Work is progressing in the implementation section of the EIS and the resolution of the remaining unresolved coastal zone management consistency issued. A meeting is planned for early March to discuss the EPA and ACOE's questions about essential fish habitat. Lastly, EPA has prepared a joint agency response to the Freedom of Information Act request by the New York-New Jersey Harbor Baykeeper. NMFS is not included in the EPA's response since we have not yet received a copy of the request. Once received, we will respond to the request. **(Karen Greene, 732/872-3023 or Stan Gorski, 732/872-3037)**

#### **SAMP REGULATORY COMMITTEE**

The Regulatory Committee, along with representatives from the New Jersey Department of Environmental Protection, met this month to discuss a proposal to cap three landfills within the District with clay dredged from the ACOE's deepening of the Kill van Kull. There are several significant issues that must be resolved for this project to move forward. Of particular concern is the proposed dredging of the Hackensack River and Berry's Creek to provide an off-loading area, bulkheading of the shoreline, potential wetlands fill on the landfills, minimization of impacts, and mitigation for aquatic habitat loss. In addition, an essential fish habitat assessment will be

necessary. Another serious concern involves the geotechnical properties of the clay. It is not known if the clay can be worked easily into suitable landfill cover. A planned demonstration project has not occurred due to problems with the proposed demonstration site. **(Karen Greene, 732/872-3023)**

#### **NEW YORK DISTRICT ARMY CORPS HARBOR RESTORATION MEETING**

Representatives from the New York District ACOE met with HCD staff from Sandy Hook and Milford and with Northeast Fisheries Science Center (NEFSC) staff from Sandy Hook to discuss possible aquatic habitat restoration projects in the New York-New Jersey Harbor area. The ACOE is conducting a restoration study, separate from any mitigation and restoration that may be required for the harbor deepening project. Input from the NEFSC was invaluable in emphasizing the restoration of habitat functions and identifying a wide range of potential restoration strategies and projects. **(Karen Greene 732/872-3023 or Mike Ludwig 203/579-7004)**

#### **JERSEY SHORE PARTNERSHIP MEETING**

HCD staff attended a meeting of the Jersey Shore Partnership, a group of local government representatives and business interests concerned with tourism and shore protection along the New Jersey coast. The group has taken an interest in the recent controversy over the disposal of dredged material at the Historic Area Remediation Site (HARS). The Partnership's Committee on Coastal Engineering and Research invited representatives from the EPA, ACOE, NJDEP, New Jersey Maritime Resources Administration, the American Littoral Society, the Port Authority, and Stevens Institute to a meeting to discuss the issue before taking a position on the matter. The meeting focused on the facts surrounding the use of the HARS, the EPA's testing criteria, and the "three-party letter" closing the Mud Dump Site. Although the Partnership has not decided on what position, if any, they will take on the Castle Astoria and Brooklyn Marine Terminal permits and the use of the HARS, many of the misconceptions the committee members had due to information that had been in the press recently were dispelled and they left the meeting with a better understanding of the issues. **(Karen Greene, 732/872-3023)**

#### **CONECTIV, MANAHAWKIN BAY**

HCD had reviewed this application for cable installation in Manahawkin Bay and developed permit conditions to reduce impacts to eelgrass beds. However, while the project was under construction, HCD and ACOE staff determined that the use of hand-jetting for the installation of the northern cable and the activities outside of the approved cable alignment were violations of Conectiv's permit and caused severe damage to the eelgrass beds in Manahawkin Bay. The impacted area is designated as a habitat area of particular concern for summer flounder and essential fish habitat for winter flounder and summer flounder (see highlights for 11/99).

Update: Habitat Conservation staff met with representatives from Conectiv, US Army Corps of Engineers, Environmental Design Group, Rutgers University, and the Northeast Fishery Science Center to discuss the impacts to eelgrass beds caused by the improper laying of the cable and to discuss an eelgrass restoration plan. The ACOE will not issue a notice of violation letter to Conectiv. A 2,500-square-foot area of impact is estimated. Dr. Paul Bologna of Rutgers University Marine Field Station has been doing eelgrass mapping and eelgrass research. He said that the fall was the preferred time to plant eelgrass because there are less stresses on the plants.

The water temperatures, algae and slime mold, increased turbidity, and boat traffic in July and August stress eelgrass plants. Typically, plants can lose leaves at this time but could still survive. The plants usually rejuvenate in September and into early winter.

Meeting attendees agreed that a survey should be done in the spring to determine the damage to eelgrass beds due to the cable installation. For those areas that show the loss of eelgrass, a restoration plan will be developed and hopefully implemented next fall. Several methods of eelgrass restoration will be investigated. Eelgrass transplants or seedlings from the same area are preferred for restoration because they are genetically adapted to the area. One option is to take plugs from dense eelgrass beds in the area and plant them in the restoration area. A plot of laboratory grown seedlings may be planted as well. Several methods of attaching the plants to the substrate will be investigated. **(Anita Riportella, 732-872-3116; [anita.riportella@noaa.gov](mailto:anita.riportella@noaa.gov))**

### **SUBMARINE CABLE INTERAGENCY WORK GROUP**

Habitat staff will participate in an interagency work group to establish interagency coordination, to discuss issues, and to find solutions regarding submarine cable project impacts. Major issues include the establishment of cable corridors and the concerns of trawlers and clambers whose activities may be restricted because of cable placement. The first meeting will be in Trenton on March 28, 2000. **(Anita Riportella, 732/872-3116; [anita.riportella@noaa.gov](mailto:anita.riportella@noaa.gov))**

### **MILFORD, CT OFFICE, 212 ROGERS AVENUE, MILFORD, CT 06460**

### **HOUSATONIC RIVER SIKORSKY BRIDGE DEMOLITION**

Milford staff has initiated Essential Fish Habitat (EFH) consultation with the Connecticut Department of Transportation, through the New England Division U.S. Army Corps of Engineers, to assess the potential impact of bridge demolition on estuarine and riverine fish with EFH designated in the lower Housatonic River. Because a particular demolition methodology has not yet been selected, NMFS is evaluating the potential adverse effect of five demolition techniques on fish habitat. They are: impact ramming, blasting, hydraulic splitting, chemical expansive agents, and diamond wire sawing. At least two of the techniques have been linked to non-lethal physical damage, mortality, or short-term behavior modifications in fish. **(Cori M. Rose, 203/579-7004; [Cori.M.Rose@noaa.gov](mailto:Cori.M.Rose@noaa.gov))**

### **MILLENNIUM PIPELINE UPDATE**

The Federal Energy Regulatory Commission (FERC) made an Environmental Information Request (EIR) to NMFS about potential working windows for construction activities in the Haverstraw Bay reach of the Hudson River, New York. The response will be made part of the FERC's administrative record for the subject project, a natural gas pipeline proposed between Canada and Westchester County, New York. NMFS opposes the proposed Hudson River crossing, which traverses a designated New York Coastal Management Program (NYCMP) habitat. The NY Coastal Fish and Wildlife rating form and narrative for the state designation of Haverstraw Bay habitat details the basis for this designation, and includes the NYCMP's conclusion that this habitat is irreplaceable. New dredging does not meet the habitat impairment test criteria established for this site, and we cannot support any construction window for new

work. Habitat staff has prepared a response to FERC on this issue, including our position that 1) new work does not meet NYCMP objectives, and 2) a fall working window for maintenance activities would be the least ecologically damaging. The Corps' public notice for this project will be issued in March. (**Diane Rusanowsky, 203/579-7004; [Diane.Rusanowsky@noaa.gov](mailto:Diane.Rusanowsky@noaa.gov)**)

### **MILLSTONE NUCLEAR POWER STATION ENTRAINMENT EVALUATION**

Milford staff met with staff from the U.S. Environmental Protection Agency (EPA) to explore how the NMFS might assist the EPA in evaluating the impact of the Millstone Nuclear Power Station on the local winter flounder population. The station, located in Waterford, Connecticut, operates with a once-through condenser cooling water system that withdraws, on average, two to three billion gallons per day from the Niantic Bay estuary. The long-term monitoring of plant operation indicates that the number of winter flounder larvae entrained is high, and it is the second-most numerous fish species entrained at the plant. Additionally, the waters of, and adjacent to, Niantic Bay are designated as EFH for 13 other species of finfish federally managed under the Magnuson-Stevens Act. Consequently, NMFS intends to assist EPA staff, to the greatest extent practicable, with a comprehensive evaluation of entrainment impacts of the Millstone Station on fish larvae. (**Cori M. Rose, 203/579-7004; [Cori.M.Rose@noaa.gov](mailto:Cori.M.Rose@noaa.gov)**)

### **HUDSON RIVER PARK TRUST**

The Army Corps of Engineers continues to focus efforts on resolving the historic properties issues for this project which would create public access to the Hudson River and recreation opportunities in lower Manhattan, New York. On a parallel track, the Corps is performing the ecological component of their public interest review and will prepare an environmental assessment that includes their Endangered Species Act, Fish and Wildlife Coordination Act, and Magnuson-Stevens Act evaluations. It appears that the historic properties coordination is nearing completion. Staff expects that the Corps will conclude its natural resource review in the coming months. Since NMFS and U.S. Fish and Wildlife Service have retained their elevation rights for this project under the 404(q) Memorandum of Agreement, additional coordination must be completed among these agencies before the Corps is able to make a final permit decision. (**Diane Rusanowsky, 203/579-7004; [Diane.Rusanowsky@noaa.gov](mailto:Diane.Rusanowsky@noaa.gov)**)

### **FISH PASSAGE TECHNICAL WORKGROUP MEETING**

Staff attended a Connecticut River Fish Passage Technical Workgroup meeting. The progress for downstream fish passage at the Northfield Mountain Pumped Storage Station and Turners Falls Hydroelectric Project, under the Connecticut River fish passage Memorandum of Understanding (MOU), was reviewed. Of particular interest, a guide net designed and located to minimize the entrainment of salmon smolts at the station was successfully deployed in 1998 and 1999. A telemetry study was undertaken to evaluate the behavior of downstream migrating smolts at the net. The results of the effort will be available in the spring of 2000. Various upstream fish passage issues were also discussed. In particular, a telemetry study of upstream migrating American shad suggests that less than 40 percent of the fish passed at the Holyoke Dam actually make it to the Turners Falls Facility's Cabot Fish Ladder. Even less than half of these fish successfully entered and navigated the Cabot fish ladder. Future evaluation (Spring of 2000) will focus on the bottleneck effect of the Turners Falls Upstream Fish Passage Facilities and potential operational improvement of the structures. (**Cori M. Rose, 203/579-7004; [Cori.M.Rose@noaa.gov](mailto:Cori.M.Rose@noaa.gov)**)

### **AMERICAN MARINE RAIL**

Due to issues that arose during the initial public notice, the Army Corps of Engineers will hold a public hearing to discuss complex issues surrounding the proposed project, a refuse-handling facility that would collect garbage from the New York City area and transport it to out-of-state landfills. This proposal was made in anticipation of the closure of the Fresh Kills landfill on Staten Island. The focal issues for the hearing are expected to include environmental justice concerns and the ecological impacts that would arise during project construction. The project is located in The Bronx at an ecologically degraded area of the East River that has relatively low habitat values for resources of concern, including EFH. Habitat staff reviewed the Corps' EFH assessment for this project and made conservation recommendations. We have elected not to oppose project authorization or attend the public hearing. **(Diane Rusanowsky, 203/579-7004; [Diane.Rusanowsky@noaa.gov](mailto:Diane.Rusanowsky@noaa.gov))**

### **U.S. NAVY CERCLA REMEDIATION ACTIVITY AT McALLISTER POINT, NEWPORT, RHODE ISLAND**

The McAllister Point Landfill is located at the Naval Education Training Center (NETC) in the Lower East Passage of Narragansett Bay at Newport, Rhode Island. The landfill consists of an 11-acre site abutting the shore of Narragansett Bay which accepted wastes consisting primarily of domestic refuse, acids, solvents, paint, waste oil, and oil contaminated with polychlorinated biphenyls from 1955 to the mid-1970's. The landfill also received residue from a waste incinerator and sludge from five nearby tank farms. Measurable levels of dioxin and furans have been identified. NMFS' habitat staff met with federal and state resource agencies and the applicant to scope out the conceptual plans and explore what information will be necessary to support authorization of the remedial activity with the requested waiver of a seasonal restriction. The goal of the remediation is the nearshore and offshore removal of contaminated sediments. The project, as proposed, will include the construction of a temporary access road from clean granular fill within the nearshore aquatic environment, dredging of approximately 30,000 cubic yards of contaminated benthic material with upland disposal, and backfill of the dredged area with approximately 20,000 cubic yards of clean granular material to restore the area to approximate original elevations. NMFS' preliminary conclusions are that an expanded essential fish habitat assessment will be required and that NMFS will only consider modifying the seasonal dredged window if provided with site-specific fisheries data in which to identify the best time to conduct the proposed work. **(Cori M. Rose, 203/579-7004; [Cori.M.Rose@noaa.gov](mailto:Cori.M.Rose@noaa.gov))**

### **KEYSPAN ENERGY REQUESTS EFH ASSISTANCE**

Habitat staff was contacted by the applicant, operator of electrical generating facilities on the north shore of Long Island, New York. Keyspan is making application to the Army Corps of Engineers to maintain dredge the cooling water intakes at its plant and was informed by the New York District that an EFH assessment would be necessary. The applicant has been designated by the Corps to draft the assessment on their behalf. Staff provided guidance to the applicant in terms of what information must be included in the assessment and how to obtain information from the Regional Office website. **(Diane Rusanowsky, 203/579-7004; [Diane.Rusanowsky@noaa.gov](mailto:Diane.Rusanowsky@noaa.gov))**

**OXFORD, MD OFFICE, 904 SOUTH MORRIS STREET, OXFORD, MD 21654**

### **NORTH LANDING RIVER MITIGATION BANK**

The Mitigation Bank Review Team (MBRT) met this month to review and discuss the proposed Draft Umbrella Memorandum of Agreement for the North Landing River Mitigation Bank, Virginia Beach, Virginia. This mitigation initially will be 300 acres in size. The bank will be comprised of 200 acres of nontidal wetland restoration from PC farm fields, 60 acres of tidal wetland preservation, and 40 acres of forest upland buffer. The bank is intended to provide mitigation for unavoidable impacts to nontidal wetlands within the southern portions of the cities of Virginia Beach, Chesapeake, and Suffolk. **(Rod Schwarm, 410-226-5771; [Rod.schwarm@noaa.gov](mailto:Rod.schwarm@noaa.gov))**

### **VIRGINIA DEPARTMENT OF TRANSPORTATION (RTE. 164)**

This project involves the construction of 2,660 linear feet of new interchange at the terminus of Western Freeway Bridge, Portsmouth, Virginia. The primary adverse impacts are associated with the dredging needed for equipment access to construct the new bridge interchange, old bridge removal, and utility relocation. The proposed dredging will impact approximately seven acres of shallow water habitat and one acre of intertidal flats and tidal wetlands. We have recommended a time of year restriction to protect oyster spawning, restoration of the intertidal flats and tidal wetlands, and mitigation for the shallow water impacts in the form of oyster reef restoration and/or oyster or clam bed enhancement or seeding. **(Rod Schwarm, 410-226-5771; [Rod.schwarm@noaa.gov](mailto:Rod.schwarm@noaa.gov))**

### **HAMPTON ROADS SWAMP**

The cities of Virginia Beach and Chesapeake, the Hampton Roads Planning District Commission and their consultant, along with various State and Federal resource agencies, have begun a planning study and information exchange process for the Southern Watershed Area. The effort is hoped to outline a watershed management, mitigation strategy, and resource conservation strategy for the area. The area of the study is the watershed that drains south toward North Carolina. **(Rod Schwarm, 410-226-5771; [Rod.schwarm@noaa.gov](mailto:Rod.schwarm@noaa.gov))**

### **CAPTAIN'S COVE PERMIT APPLICATIONS**

Several permit applications were received regarding the opening of another section of this subdivision in Greenback, Virginia. The subject section contains numerous lots fronting Chincoteague Bay which have not been bulkheaded or developed. The shoreline was previously stabilized with an offshore stone gabion system. The applications that have been received today all involve substantial encroachment (from 15 to 40 feet from the existing shoreline) into the Bay for the conversion of the intertidal and shallow water habitats to filled uplands for house construction. Due to the excessive encroachment and the potential cumulative adverse impacts from these and similar proposals, we have submitted a letter recommending denial as proposed, and that the proposed bulkheads be relocated to the toe of the existing bank. The letter informs the Norfolk District ACOE that we think the potential impacts are substantial and we will consider elevation should the ACOE disagree with our recommendations. **(Rod Schwarm, 410-226-5771; [Rod.schwarm@noaa.gov](mailto:Rod.schwarm@noaa.gov))**